

31. (New) The computer of claim 30, wherein the storage device comprises a memory.
32. (New) The computer of claim 31, wherein the function comprises a cosine function.
33. (New) The computer of claim 31, wherein the function comprises a linear function.
34. (New) The computer of claim 31, wherein the function comprises a non-linear function.
35. (New) A computer readable medium having computer-executable instructions stored thereon for performing a method of modulating the transparency of an image, the method comprising:  
modulating the transparency of an image of an object as a function of the angle of incidence of a vector at the surface of the object, the vector being normal to a viewing surface.
36. (New) The computer readable medium of claim 35, where the method further comprises:  
modulating the transparency linearly.
37. (New) The computer readable medium of claim 35, wherein the method further comprises:  
modulating the transparency non-linearly.
- 

**REMARKS**

Applicant has reviewed and considered the Final Office Action mailed on October 31 2001 and the references cited therewith.

No claims are amended, claims 1-19 are cancelled, and claims 21-37 are added; as a result, claims 21-37 are pending in the application.

**Rejections Under 35 U.S.C. §103**

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bier et al. (U.S. Patent No. 5,617,114) in view of Kajiwara (U.S. Patent No. 5,872,872). Applicant does not admit that Kajiwara is prior art and reserves the right to swear behind Kajiwara as provided for under 37 C.F.R. 1.131.

Claims 1-19 are cancelled, so the rejections are moot.

**So called “prior art” “made of record but not relied upon”**

Several patents were cited as “pertinent to applicant’s disclosure” but not relied upon to reject claims. In view of the fact that the patents were not asserted against any claims, applicant need not respond either to the assertion of their pertinence or to the assertion that any of the listed patents constitutes “prior art” to any pending claim. Applicant expressly reserves the right to challenge any such assertion, should it be included in some future rejection.

**Allowable Subject Matter**

Claim 20 was allowed.

**New Claims 21-37**

New claims 21-37 have been added. Each of these claims includes “a vector normal to a viewing surface.” Support for the claims 21-37 can be found in applicant’s specification, for example, on page 3, lines 15-17 and in Figure 1. Since none of the cited references teach or suggest “a vector normal to a viewing surface”, claims 21-37 should be allowable.

Serial Number: 09/210,055

Dkt: 884.055US1

Filing Date: December 11, 1998

Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY

---

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN DAVID MILLER

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 371-2109

Date

January 22, 2002

By

Danny J. Padys

Danny J. Padys

Reg. No. 35,635

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box RCE, Commissioner of Patents, Washington, D.C. 20231, on this 22 day of January, 2002.

Name

Jane E. Brockschmidt

Signature

Jane E. Brockschmidt